



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 07135-99  
21 March 2000

CWO3 [REDACTED] USN RET  
[REDACTED]  
[REDACTED]

Dear Chief Warrant Of [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 27 January 2000, a copy of which is attached. The Board also considered your Navy Times draft undated and two letters dated 25 February 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



## DEPARTMENT OF THE NAVY

BUREAU OF NAVAL PERSONNEL

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

Ser 85/0122

27 Jan 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: CWO3 [REDACTED], USN [REDACTED]

Ref: (a) PERS-85 ltr 1400 Ser 85/168 of 23 Aug 99  
(b) SECNAVINST 1401.1B  
(c) SECNAVINST 1401.3 CH-1

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of CWO3 [REDACTED] request for a special board.
2. CWO3 [REDACTED]'s record was eligible and reviewed before the FY-99 and FY-00 Active-Duty Chief Warrant Officer (W4) Promotion Selection Boards and he was not selected. His request for a special board via BCNR is based on his contention of abnormal processing of his original special board request, in addition, that he claims he was not fairly evaluated by the regular boards.
3. CWO3 [REDACTED]'s request is without merit. Processing of his requests have been conducted within normal procedures. Reference (a) clearly addressed his original request for special board consideration including that the basis of his request did not meet the eligibility criteria of reference (b), therefore, Secretarial determination regarding the same was not warranted.
4. There is no evidence that the FY-99 and FY-00 Active-Duty Chief Warrant Officer (W4) Promotion Selection Boards acted contrary to law. Board membership composition before the FY-99 and FY-00 Chief Warrant Officer (W4) Promotion Selection Boards were prescribed in accordance with the selection board membership instruction, reference (c), which requires one member shall be an LDO who was formerly a CWO. As per the aforementioned instruction, the FY-99 Active CWO4 Promotion Selection Board included two air warfare officers, two

Subj: CWO3 [REDACTED] USN, [REDACTED]

surface/special warfare officers, two submarine warfare officers, one fleet support officer, one medical corps officer, one supply corps officer, one civil engineer corps officer, one LDO who was formerly a CWO, and two nurse corps officers (added to assist with consideration of technical nurse corps warrant officers).

5. The FY-00 Chief Warrant Officer board included an additional surface warfare officer and a total of four LDO's of which at least one was a former chief warrant officer. Board membership is selected from names compiled by PERS-4 distribution office and actual assignment to board membership is completed by PERS-451. Membership is reviewed by OJAG and approved by SECNAV. CWO3 [REDACTED] was not selected as best and fully qualified by either board.

6. Since board deliberations are secret, the exact reason [REDACTED] failed to select cannot be determined. His official record before both boards was complete. He was fairly represented by the boards, and his record as presented provided a substantially accurate, complete, and fair portrayal of his career and sufficient information upon which to make a promotion decision. Warfare qualification is not required for promotion and is not briefed to the board as a consideration in the precept. Warfare qualification is an additional measure of professional accomplishment, just as educational accomplishments and individual recognition might be considered as competitive benchmarks. Each board member decides individually which officers are the best and fully qualified for promotion.

7. Recommend disapproval of [REDACTED] request for a special board.

[REDACTED]

BCNR Liaison, Officer Promotions and  
Enlisted Advancements Division